

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ROLAND PELLETIER,)	
)	
Plaintiff,)	
)	
v.)	1:22-cv-00260-JDL
)	
DEPARTMENT OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

**ORDER ACCEPTING THE RECOMMENDED DECISIONS OF THE
MAGISTRATE JUDGE**

Roland Pelletier brought this action in August 2022 against the Maine Department of Corrections and several other Defendants (ECF No. 1). In his Complaint and his subsequent filings (ECF Nos. 6, 12, 18), Pelletier asserts, among other things, that his constitutional rights were violated by the Defendants’ deliberate indifference to his medical needs, the Defendants’ use of excessive force, and the Defendants’ failure to take precautions against COVID-19 infection. Pelletier also filed a Motion for a Preliminary Injunction (ECF No. 3) to prevent what he alleges is the ongoing violation of his constitutional rights.¹ Finally, Pelletier filed a motion requesting “release” from confinement (ECF No. 14).²

¹ Pelletier also requested a temporary restraining order (ECF No. 3), which I denied on August 26, 2022 (ECF No. 4).

² This motion also requested the appointment of counsel, but Magistrate Judge Nivison denied that request on September 19, 2022 (ECF No. 16).

United States Magistrate Judge John C. Nivison filed his Recommended Decisions on the Complaint and the Motion for a Preliminary Injunction with the Court on September 29, 2022 (ECF Nos. 19, 20), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2022) and Fed. R. Civ. P. 72(b). The Magistrate Judge recommends that (1) all of Pelletier's claims except for his claim of excessive force be dismissed for failure to state a claim and (2) all of Pelletier's claims, including the claim for excessive force, should be dismissed if Pelletier did not, within the 14-day objection period, pay the required filing fee or file a complete application to proceed without the payment of fees.³ The Magistrate Judge further recommends that the Court deny Pelletier's Motion for a Preliminary Injunction and his request for immediate release.

The time within which to file objections has expired, and no objections have been timely filed. The Magistrate Judge provided notice that a party's failure to object would waive the right to *de novo* review and appeal. Additionally, Pelletier did not pay the filing fee or file a complete application to proceed without the payment of fees during the 14-day objection period.

I have reviewed and considered the Recommended Decisions, together with the entire record, and I have made a *de novo* determination of all matters adjudicated by

³ The Magistrate Judge had previously denied (ECF No. 5) Pelletier's Motion to Proceed Without Prepayment of Fees and Costs (ECF No. 2) because the application was incomplete. The Order denying Pelletier's motion noted, "If Plaintiff intends to proceed with this matter, Plaintiff shall file a completed application with all the required information or pay the filing fee by September 9, 2022. If Plaintiff fails to file a completed application and otherwise comply with this order, the Court could dismiss the action." ECF No. 5 at 2. In his Recommended Decision, the Magistrate Judge again extended the time by which Pelletier could pay the filing fee or file a completed application to include the 14-day objection period.

the Magistrate Judge. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decisions and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decisions (ECF Nos. 19, 20) of the Magistrate Judge are hereby **ACCEPTED**. Pelletier's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** as to his claim of excessive force and is **DISMISSED WITH PREJUDICE** in all other respects. Pelletier's Motion for a Preliminary Injunction (ECF No. 3) is **DENIED**. Pelletier's Motion for Release, Protection, and Immediate Relief (ECF No. 14) is **DENIED**.

SO ORDERED.

Dated this 17th day of November, 2022.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE